

**ARKANSAS PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL  
BAIL BONDSMAN LICENSING BOARD**

**April 8, 2005**

Chairman Don Smith called the meeting to order at 9:03 a.m.

Roll call was taken. The following members were present: Rex Morris, Frank Sturgeon, Phyllis Carruth, Don Smith, Eugene Reynolds and Marc Oudin. Also present were Assistant Attorney General, Chilesa Ready, Executive Director, Tommy Reed, Board staff and members of the audience.

Following a review of the Board Minutes for March 11, 2005, Mr. Oudin moved to approve the minutes as presented. Mr. Sturgeon seconded. The motion carried on voice vote with none opposed.

**OLD BUSINESS**

**Transfers/Suspensions/Reinstatements:**

A report was provided for information purposes: Four (4) transfer requests were submitted and approved during the month. There were six (6) agent suspensions due to termination. The company license of James R. Farmer Bail Bonds, a sole-proprietorship, was terminated by Mr. Farmer's death on March 26, 2005. Chairman Smith invited comments or discussion. There was none and the Board proceeded.

**Forfeitures - Open:**

The Open Forfeiture Report was presented. There was discussion concerning the large number of forfeitures listed for various companies and the financial condition of those companies. Board approval to suspend licensees failing to pay forfeitures timely between April 8, 2005 and May 13, 2005 was requested by Mr. Reed. The Chair called for motions. Mr. Morris moved to suspend those licensees whose forfeitures were not timely paid between April 8, 2005 and May 13, 2005. Ms. Carruth seconded. The motion was put to a voice vote and carried with all in favor.

**Past Due Forfeitures:**

The Past Due Forfeiture Report was presented for review. Mr. Reed advised that a check from the Pulaski County Quorum Court refunding an overpayment of a Will Oliver/Liz Frawley Bail Bonds, Inc. (WOLF) forfeiture was expected soon. He advised that, after disbursement of the refund, the WOLF security deposit would be depleted. Chairman Smith asked for comments or discussion. There was none and the Board proceeded.

**2005 Legislative Session - Update**

Mr. Reed discussed the memo provided and advised the status of each bill being tracked:

**HB1621** An act to increase the fee on bail bonds for use of the Public Defender Commission (PDC) –the compromise reported to have been reached between the PDC and the Bail Bond Association failed after opposition from the Insurance Dept. The amendment was pulled and the original bill passed out of committee, and is currently being considered on the House floor. The Board discussed the excessive amount of fees currently imposed and collected.

**HB 2518** – To reduce the amount of continuing education required by bail bondsman – has been approved by the Senate.

**HB2863** – Concerning the release of surety bonds to bond companies –received a “do-pass” from the House Insurance & Commerce Committee, passed the House and has been referred to the Senate Insurance & Commerce Committee. When the bill was called on the committee agenda, the sponsor was not present to run the bill. It is unlikely the committee will meet again before the session adjourns; therefore, it is unlikely action will be taken on the bill.

**HB2877** – Concerning the termination, continuance, or re-establishment of state agencies, etc. - & **HB2623** – concerning the Review of the Efficient Operation of State Government – companion bills which require the review of all state agencies, departments, etc and requires the abolishment of agencies failing to justify re-establishment; sets a twelve-year schedule with specific termination dates for each agency (2015 for the Board), dept. etc.; currently being considered on the Senate floor.

**HB2491** – To require owners of bail bond companies to be licensed bail agents – received a “do-pass” from the Senate Judiciary committee and is currently on the Senate floor.

## **NEW BUSINESS**

### **March Vouchers Paid & Financial Report:**

Chairman Smith invited questions and/or discussion regarding the vouchers paid in March. Hearing none, the Board proceeded to review the March financial report.

### **Expenditure Request:**

The Board considered a request from the Executive Director for the approval of specified expenditures. After some discussion among the Board, Mr. Oudin moved to approve the expenditures. Mr. Reynolds seconded. The motion was put to a vote. The motion carried with five (5) in favor and one (1) opposed.

### **Company Application – AMK, Inc.:**

Mr. Reed reported that all paperwork had been received and was in order. Ms. Ida Etoch, president and sole shareholder of AMK, Inc., was present and answered questions from the Board. Mr. Oudin moved to approve the application. Mr. Sturgeon seconded. The motion carried on a voice vote with none opposed.

### **Company Application – A-State Bail Bonding, Inc.:**

Mr. Reed presented the application and reported that everything appeared in order. Freddie Bass, President, and Benjamin Flynn, Secretary of the corporation, were present and answered questions from the Board. Mr. Oudin moved to approve the application. Mr. Reynolds seconded. The motion carried on a voice vote with none opposed.

### **License Approvals:**

Mr. Oudin initiated a discussion regarding the lengthy process of agent application approval. He stated this had been a problem for years but recently it seemed to be taking longer than usual. There was agreement among Board members the process seemed to take too long. Mr. Reed noted the state police do not forward the application to the FBI until the state check has been completed, which takes about 2-3 weeks. The FBI check then takes approximately 4 weeks for a 6-8 week turnaround time.

Gary Edwards, mentioned that the concern was shared by many companies and that good agents were sometimes lost because they couldn't wait that long before they could begin to earn a living. He asked if there was some way a conditional or provisional license could be issued pending

receipt of the FBI check. Concern was raised that once a license was issued it could not be revoked without “due process” notice and hearing.

The Board authorized the Executive Director to request Board counsel research the issue and report the findings at the next meeting. The Board then turned to license approval.

Eleven (11) non-controversial license applications and eighteen (18) non-controversial tentative license applications were submitted for Board approval. The Chair called for discussion or comments. Mr. Oudin moved to approve those applications presented, pending receipt of necessary documentation. Ms. Carruth seconded. The Chair called for discussion or comments. Hearing none, the motion was put to a vote. The motion carried with none opposed.

**Public Comments:**

Chairman Smith opened the floor for public comments. There being no public comments, the meeting was adjourned.

Submitted for approval:

This 13th day of May, 2005 \_\_\_\_\_  
Don Smith, Chairman